

**ASSEMBLY BILL**

**No. 1404**

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**Introduced by Assembly Member Coto**

February 22, 2005

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An act to amend Section 82011 of the Government Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 1404, as introduced, Coto. Conflicts of interest: schools.

The Political Reform Act of 1974 requires each state or local government agency to adopt a conflict of interest code, to be provided to the agency's code reviewing body, as specified. Existing law requires the code reviewing body to make certain determinations and take certain actions regarding each filed code. Pursuant to the filed code, existing law requires each designated employee of an agency to file a statement of economic interests disclosing his or her financial interests, as specified. With regard to a local agency with jurisdiction within a single county, other than the board of supervisors, a judicial agency, or a city agency, the code is required to be filed with the county board of supervisors. Existing law requires designated employees of these local agencies to file their original statements of economic interests with the agency or the code reviewing body, as specified, to be retained by the agency or code reviewing body, or copied and forwarded by the agency to the code reviewing body with the copy retained, as specified.

This bill would designate the county board of education instead of the county board of supervisors as the code reviewing body for a school district in a multi-district county, a community college district, or a school-related joint powers authority located wholly within a single county. It would designate the Superintendent of Public

Instruction as the code reviewing body for a county board of education, a county office of education, or a school district of a county with only a single school district.

By requiring local agencies to retain, or to copy and forward the originals of, statements of economic interest, and by requiring county boards of education to review conflict of interest codes, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 82011 of the Government Code is  
2     amended to read:  
3     82011. "Code reviewing body" means all of the following:  
4     (a) The commission, with respect to the conflict-of-interest  
5     code of a state agency other than an agency in the judicial branch  
6     of government, or any local government agency with jurisdiction  
7     in more than one county.  
8     (b) The board of supervisors, with respect to the  
9     conflict-of-interest code of any county agency other than the  
10    board of supervisors, or any agency of the judicial branch of  
11    government, and of any local government agency, other than a  
12    city agency, with jurisdiction wholly within the county, *except as*  
13    *provided in paragraphs (1) and (2).*

1     *(1) The county board of education with respect to the*  
2     *conflict-of-interest code of a school district, community college*  
3     *district, or school-related joint powers authority located wholly*  
4     *within a single county, except for a school district in a county*  
5     *with only a single school district.*

6     *(2) The Superintendent of Public Instruction with respect to*  
7     *the conflict-of-interest code of a county board of education, a*  
8     *county office of education, or a school district of a county with*  
9     *only a single school district.*

10    (c) The city council, with respect to the conflict-of-interest  
11    code of any city agency other than the city council.

12    (d) The Attorney General, with respect to the  
13    conflict-of-interest code of the commission.

14    (e) The Chief Justice of California or his or her designee, with  
15    respect to the conflict-of-interest code of the members of the  
16    Judicial Council, Commission on Judicial Performance, and  
17    Board of Governors of the State Bar of California.

18    (f) The Board of Governors of the State Bar of California with  
19    respect to the conflict-of-interest code of the State Bar of  
20    California.

21    (g) The Chief Justice of California, the administrative  
22    presiding judges of the courts of appeal, and the presiding judges  
23    of superior courts, or their designees, with respect to the  
24    conflict-of-interest code of any agency of the judicial branch of  
25    government subject to the immediate administrative supervision  
26    of that court.

27    (h) The Judicial Council of California, with respect to the  
28    conflict-of-interest code of any state agency within the judicial  
29    branch of government not included under subdivisions (e), (f),  
30    and (g).

31    SEC. 2. If the Commission on State Mandates determines that  
32    this act contains costs mandated by the state, reimbursement to  
33    local agencies and school districts for those costs shall be made  
34    pursuant to Part 7 (commencing with Section 17500) of Division  
35    4 of Title 2 of the Government Code.

36    SEC. 3. The Legislature finds and declares that the provisions  
37    of this act further the purposes of the Political Reform Act of  
38    1974 within the meaning of subdivision (a) of Section 81012 of  
39    the Government Code.

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